

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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PROGRESSIVE ENTERPRISES, INC. /  
CASTAWAYS YACHT CLUB,

Plaintiff,

v.

M/Y AJARR (Official No. 1079835),  
her engines, tackle, apparel, furniture,  
equipment and all other necessities  
thereunto appertaining and belonging, *in rem*,

and

BRIAN A. TRAVIS, *in personam*,

Defendants.

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CIVIL ACTION NO. \_\_\_\_\_

**07 CIV. 4567  
WP4**

**MOTION FOR ORDER TO  
ISSUE WARRANT FOR  
ARREST OF VESSEL**

FILED  
U.S. DISTRICT COURT  
2007 MAY 30 P 3:12  
S.D. OF N.Y. W.P.

Progressive Enterprises, Inc. / Castaways Yacht Club ("Plaintiff"), by and through its attorneys Palmer Biezup & Henderson LLP, hereby moves pursuant to Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims for an Order directing the Clerk of Court to issue a Warrant for the arrest of the Motor Yacht AJARR (Official No. 1079835), a 40-foot Formula Thunderbird pleasure craft bearing Official No. 1079835 and Hull Identification No. TNRD7851G899 (the "Vessel"), and to deliver the Warrant to the United States Marshal for execution. In support of this Motion, Plaintiff avers as follows:

1. Plaintiff has filed a Verified Complaint in Admiralty against the Vessel *in rem* and against Brian A. Travis *in personam*.
2. As set forth in the Complaint, Plaintiff has provided necessities to the Vessel,

including but not limited to dockage, electricity, provisions, supplies, fuel, and engine repairs, for which Plaintiff has not been paid.

3. Under the Federal Maritime Lien Act, "a person providing necessities to a vessel . . . has a maritime lien on the vessel" and "may bring a civil action in rem to enforce the lien." 46 U.S.C. § 31342. Further, under Fed. R. Civ. P. Supp. C(1), an action *in rem* may be brought "[t]o enforce any maritime lien," or "[w]herever a statute of the United States provides for a maritime action in rem or a proceeding analogous thereto."

4. Where a party seeks to enforce a maritime lien through an *in rem* action,

the court must review the complaint and any supporting papers. If the conditions for an *in rem* action appear to exist, the court must issue an order directing the clerk to issue a warrant for the arrest of the vessel or other property that is the subject of the action.

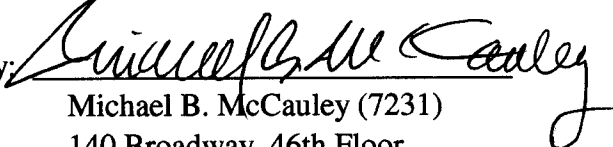
Fed. R. Civ. P. Supp. C(3)(a)(ii)(A).

5. The conditions for an *in rem* action having been met, Plaintiff respectfully requests that an Order be entered directing the Clerk of Court to issue a Warrant for the arrest of the Vessel, and to deliver said Warrant to the United States Marshal for service.

Respectfully submitted,

PALMER-BIEZUP & HENDERSON LLP

Dated: New York, New York  
May 24, 2007

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